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10/074,484	02/11/2002	David B. Andersen	42PI2916	7314

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD  
SEVENTH FLOOR  
LOS ANGELES, CA 90025-1030

EXAMINER

HUYNH, SON P

ART UNIT PAPER NUMBER

2623

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/074,484	ANDERSEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Son P. Huynh	2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 February 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                                 |                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                            | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>08/29/2005</u> . | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 101*

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 26-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 26-28 recites "a machine accessible medium comprising data that when accessed by a machine cause the machine to perform actions". MPEP 2106 [R-3], IV, B, 1(a) clearly stated that "computer readable medium encoded with a computer program...is thus statutory". The claimed "machine accessible medium" is not necessarily computer readable medium, and the data is not necessarily computer program. Thus, there is no functional and structural interrelationship between the data and machine data's functionality to permit the data's functionality to be realized, thus, not statutory.

In addition, at page 13, lines 6-9, the specification defines the medium may be carrier wave and data is a signal. The claimed signal is not a "process", has no physical structure, does not itself perform any useful, concrete and tangible result, thus, not statutory (see MPEP 2106 [R-3], IV, B, 1(c)).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 6-7, 17-20, 22-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Stautner et al. (US 6,172,677)- hereinafter Stautner.

Regarding claim 1, Stautner discloses a method comprising providing a program schedule includes a listing for a program (e.g. Talk show: politics or Clear and Present Danger) that has supplemental content (e.g. chat content, or Pizza Hut order...) – see including, but are not limited to, figures 2, 4 and col. 2, line 64-col. 3, line 9; col. 3, lines 40-67). Thus, a program schedule that includes a listing for a program (e.g. program schedule that includes listing for Talk Show, Clear and Present Danger, etc. –figure 2) that has supplementary content (chat content, merchandise content, etc.) must be created so that a supplemental content (e.g. chat session, Pizza Hut order information, etc.) is displayed with “Talk Show: Politics”, “Clear and Present Danger” on the program guide.

Stautner further discloses embedded/associated a symbol such as circle 30 for chat session, rectangular 40 for Pizza Hut order information, square 80 for sport Stat, etc. (see include, but are not limited to, figures 2-5, col. 3, lines 53-67, col. 5, lines 15-50) reads on the claimed feature "associating a predetermined unique symbol with a type of the supplementary content;

Stautner also discloses providing the symbol in association with the listing in the program schedule such as circle symbol 30 with Talk show in program schedule, rectangular symbol 40 with "Clear and Present Danger" in program schedule, etc. – see include, but are not limited to, figures 2, 4) reads on the claimed feature "providing a predetermined unique symbol in association with the listing in the program schedule.

Regarding claim 2, Stautner discloses a method as discussed in the rejection of claim 1. Stautner further discloses the program is a television program (e.g. Talk Show: Politic, Clear and Present Danger, etc. is a television program – figures 2-5, col. 1, lines 51-66, col. 4, lines 36-40, col. 5, lines 46-50).

Regarding claim 3, Stautner discloses a method as discussed in the rejection of claim 1. Stautner further discloses the information in a grid cell can be a link to an on line service "program" such as a chat session 1000, online game, which could, for example, be provided by American On-Line (AOL), information for example to automatically connect to a world wide web page or the like, which may also be selected by a user without having to retype the information (see include, but are not limited to, figures 2-5, col. 2,

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lines 50-60; col. 4, lines 1-8, col. 6, lines 35-49, col. 7, lines 24-55). Thus, the supplemental content (e.g. chat content, online services) is provided on the World Wide Web (e.g. AOL, or World Wide Web associated with the link).

Regarding claim 4, Stautner discloses a method as discussed in the rejection of claim 1. Stautner further discloses the predetermined unique symbol is a text string (e.g. text string AOL – figures 4-5).

Regarding claim 6, Stautner discloses a method as discussed in the rejection of claim 1. Stautner further discloses the predefined unique symbol is a graphic symbol (e.g., the circle symbol 30, rectangular symbol 40, star symbol 60, etc. – figures 2, 4-5).

Regarding claim 7, Stautner discloses a method as discussed in the rejection of claim 1. Stautner further discloses the predetermined unique symbol is an image (met by the rectangular image, circle image, star image, etc. – figures 2-5).

Regarding claim 17, Stautner discloses a method comprising:

distributing a program to an audience, wherein the program has supplemental content (interpreted as distributing a program such as Talk Show: Politics, ABC evening news, etc. to the user, the program has chat content, merchandise information, sport statistic information, etc. – see figures 2-5, col. 5, lines 36-50; col. 6, lines 25-60);

distributing the supplemental content to the audience, wherein a type of the supplemental content is associated with a predefined unique symbol (interpreted as distributing chat content, merchandise content, sports statistic content, etc. to the user, wherein the type of the supplemental content such as chat is associated with circle symbol, merchandise is associated with rectangular symbol, sport statistics is associated with a square symbol, etc. – see figures 2-5, col. 5, lines 15-35; col. 6, lines 35-60);

providing listing information for the program (interpreted as providing listing information such as title, time, etc. for the program – figure 2).

Regarding claims 18-20, 22-23, the additional limitations of the method as claimed correspond to the additional limitations of claims 2-4, 6-7 respectively, and are analyzed as discussed with respect to the rejections of claims 2-4, 6-7.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stautner (US 6,172,677) as applied to claim 1 above, and further in view of Klosterman et al. (US 6,469,753).

Regarding claim 5, Stautner discloses a method as discussed in the rejection of claim 1. Stautner further disclose the predetermined symbol is a text string (e.g. AOL – figure 4) and the text string link to a World Wide Web (e.g. AOL website – col. 7, lines 16-55). However, Stautner does not specifically disclose the text string “WWW”.

Klosterman discloses the symbol is a text string “WWW” (text string 640 - figures 6b, 6c). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stautner to use the teaching of using a text string “WWW” as a symbol in order to at least allow user to easily recognize the type of supplemental content associated with the program (e.g. supplemental content from World Wide Web).

Regarding claim 21, the additional limitations as claimed correspond to the additional limitations as claimed in claim 5, and are analyzed as discussed with respect to the rejection of claim 5.

7. Claims 8-16 and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stautner (US 6,172,677) and in view of Boyer et al. (US 6,268,849 – hereinafter Boyer).



Regarding claim 8, Stautner discloses a method as discussed in the rejection of claim 1. Stautner further discloses information is extracted from a received signal (col. 3, line 59-col. 4, line 29). However, Stautner does not specifically disclose distributing the program schedule.

Boyer discloses distributing a program schedule (distributing the television program listings with embedded real-time data to the user's multimedia system in the form of web pages-see include, but are not limited to, col. 2, lines 49-65, col. 5, lines 1-12, col. 6, lines 1-3, col. 9, lines 5-20, figures 1, 9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stautner to use the teaching of distributing program schedule as taught by Boyer in order to minimize memory space required to process the program schedule at the receiver, or in order to allow user to access the program schedule at remote locations (col. 2, lines 49-65).

Regarding claim 9, Stautner in view of Boyer teaches a method as discussed in the rejection of claim 8. Stautner also discloses the teaching of various text-based system for providing information on television shows, information found in a local newspaper, etc. in the Related Art (col. 1, lines 15-28). Stautner further discloses a program schedule with unique symbol. However, Stautner does not specifically disclose printing the program schedule includes symbol in the program schedule in the publication. It would have been obvious to one of ordinary skill in the art at the time the invention was

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made to modify Stautner in view of Boyer to use the teaching of printing the program schedule with symbol (program schedule described in Stautner) in the publication (e.g. local newspapers, patent publication, etc.) in order to expand distribution of program schedule includes symbol to users in different ways (e.g. to include publication readers), thereby helping the readers to make decision more accurate based on information about supplemental content associated with the program listing provided.

Regarding claim 10, Stautner in view of Boyer teaches a method as discussed in the rejection of claim 8. Stautner already discloses program schedule includes predetermined unique symbol as discussed in the rejection of claim 1 (also see figures 2-5). Stautner does not specifically disclose transmitting the program schedule (program schedule include symbol).

Boyer discloses transmitting the program information listing with embedded real time data to the user's multimedia system in the forms of web pages (see including, but is not limited to, col. 2, lines 49-65, col. 9, lines 5-20) reads on the transmitting program schedule. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stautner to use the teaching of distributing program schedule as taught by Boyer in order to minimize memory space required to process the program schedule at the receiver, or in order to allow user to access the program schedule at remote locations (col. 2, lines 49-65).

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Regarding claim 11, Stautner in view of Boyer discloses a method as discussed in the rejection of claim 10. Stautner further discloses the icons (symbols) may be animated and have three dimension looks or arrangement to them (col. 7, lines 14-15). The icons are placed in the program schedule by the content provider which presents prompts to a user for action, the information is extracted from the received signal (col. 3, lines 40-65; col. 4, lines 15-60). Inherently, the data (e.g. icon, information) is transmitted which when accessed by a machine (e.g. processor using software) causes the machine to display an animated version of the predetermined unique symbol so that the icons are animated.

Regarding claim 12, Stautner in view of Boyer discloses a method as discussed in the rejection of claim 8. Stautner discloses providing a unique symbol in association with the listing in the program schedule (e.g. circle symbol 30 in association with Talk Show: Politics – figures 2-5). However, Stautner does not specifically disclose making the program schedule available on the World Wide Web.

Boyer further discloses making the program schedule available on the World Wide Web; and providing embedded real time data (e.g. real time data 650) association with the listing in the program schedule on the World Wide Web (col. 2, lines 49-65, col. 5, lines 45-67, col. 9, lines 5-19, figure 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stautner to use the teaching of making the program schedule available on the World Wide Web (web

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page) in order to allow user to access the program information listings and embedded real time at remote locations (col. 2, lines 55-66) thereby improve convenience for user.

Regarding claim 13, Stautner in view of Boyer discloses a method as discussed in the rejection of claim 12. Stautner discloses providing a selectable element (link, icon, etc. figures 2-5) in association with the symbol (e.g. select icon 30 to link to chat session – figures 2-5); enabling provision of the supplementary content in response to selection of the selectable element by the user (e.g. providing chat session in response to selection of icon 30 by the user – see col. 5, lines 15-50; col. 6, lines 6, lines 25-60). However, Stautner does not specifically disclose the selection element is provided on the World Wide Web.

Boyer further discloses providing selectable elements on Web Wide Web (e.g. providing selectable elements for program information listings and embedded real time on web page -col. 2, lines 49-65, col. 5, lines 45-67, col. 9, lines 5-19, figure 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stautner to use the teaching of providing a selectable element on the World Wide Web (web page) in order to allow user to access the program information listings and embedded real time at remote locations (col. 2, lines 55-66).

Regarding claim 14, Stautner discloses a method comprising:

the program schedule comprising:

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a listing for a program that has supplemental content (e.g. listing for a program that has supplemental content such as chat session, pizza Hut, et. – figures 2-5); and  
a predefined unique symbol in association with the listing, wherein the predefined unique symbol is associated with a type of the supplementary content (interpreted as a circle symbol 30, rectangular symbol 40, star symbol 60, etc. associated with Talk Show, Clear and Present Danger, Inside the NFL, etc., wherein the symbol 30, 40, 60, ... is associated with type of supplemental content such as chat session, advertisement information, sponsor, Sport statistics, etc. – figures 2-5, col. 4, lines 1-10, col. 6, lines 8-60); and

Stautner also discloses displaying the program schedule with the icons on a display screen (figures 2-5, col. 4, lines 30-40, col. 6, lines 7-60). Inherently, the program schedule must be sent to a display before it display on the display screen.

Stautner also discloses receiving information in the received signal (col. 3, lines 50-67). However, Stautner does not specifically disclose receiving a program schedule.

Boyer discloses receiving a program schedule (receiving program information listings and embedded real time in the form of web pages-see include, but are not limited to, col. 2, lines 49-65, col. 5, lines 1-12, col. 6, lines 1-3, col. 9, lines 5-20, figures 1, 9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stautner to use the teaching of receiving program schedule as taught by Boyer in order to minimize memory space required to process the program schedule at the receiver; or in order to allow user to access the program schedule at remote locations (col. 2, lines 49-65).

Regarding claim 15, Stautner in view of Boyer discloses a method as discussed in the rejection of claim 14. Stautner further if an icon such as icon 30 is selected, which is labeled "chat session", an individual interactive text based type of chat or an audio chat arrangement can be provided to user. Selecting an icon would start an on-line service software application... (See col. 6, lines 25-67). Thus, a signal (e.g. IR or RF or electrical signal from user input device) is inherently received, corresponding to selection of the predefined unique symbol by a user (e.g., user selection of the icon) and a communication is inherently established with a device (i.e. dial up interface with external network, modem interface with Internet, etc.), causing it to present the supplemental content in response to the signal (e.g. causing chat content, merchandise information to present in response to use selection of icon 30, icon 40- see figures 2-3, col. 6, lines 25-67).

Regarding claim 16, Stautner in view of Boyer discloses a method as discussed in the rejection of claim 14. Stautner further discloses the icons and other data is received (col. 3, lines 45-65, col. 5, lines 16-19; col. 6, line 62-13). Further the icons may be animated and have three dimensional looks or arrangement to them (col. 6, line 62-col. 7, line 15). Thus, an animated version of the predetermined unique symbol (embedded icons) is inherently received and sent to the display so that the animated icons are displayed on the screen.

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Regarding claim 24, the limitations of the apparatus as claimed correspond to the limitations of the method as claimed in claim 14, and are analyzed as discussed with respect to the rejection of claim 14, Stautner further discloses a display component (e.g. large screen monitor or monitors with all sizes) is coupled to the receiver (e.g., computer system) to program schedule and the symbols are displayed on the monitors (see col. 1, lines 36-col. 2, lines 23). Furthermore, Boyer also discloses user multimedia receiver (e.g. PCTV, desktop computer, etc.) receive program schedule webpage and provides the program schedule webpage to the monitor for display (see figures 1, 9, col. 5, lines 31-44; col. 9, lines 5-20).

Regarding claim 25, the additional limitations of the apparatus as claimed correspond to the additional limitations of the method as claimed in claim 15, and are analyzed as discussed with respect to the rejection of claim 15, wherein the claimed "input device" is interpreted as a receiver in the computer system for receiving signal in response to user selection of an icon (for example, IR/RF/or electrical signal receiver at computer system for receiving IR/RF/or electrical signal from user mote control, keyboard or any user input device in response to user selection of an icon on the screen (e.g. circle icon)), and "a content delivery component..." is interpreted as the interface to external networks that receive and provide the supplemental information (e.g. chat content, merchandise information, etc.) to the display for display on the screen in response selection signal (see including, but is not limited to, col. 6, lines 35-60).

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Regarding claims 26-28, the limitations as claimed are directed toward embodying the method of claims 14-16 in "machine accessible medium". Stautner and Boyer also discloses procedures of the method are performed using a software application executed by the computer (see Stautner- col. 3, line 40-col. 4, line 31, col. 5, lines 15-35, col. 6, lines 25-60; or see Boyer col. 6, lines 1-21. It would have been obvious to embody the procedures of Stautner in view of Boyer discussed with respect to claims 14-16 in a "machine accessible medium" in order that the instructions could be automatically performed by a processor/computer.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wang (US 6,675,385) discloses HTML electronic program guide for an MPEG digital TV system.

Rowe et al. (US 6,008,803) discloses system for displaying programming information.

Bedard (US 5,801,747) discloses method and apparatus for creating a television viewer profile.

Knowles et al. (US 6,505,348) discloses multiple interactive electronic program guide system and methods.



Okura et al. (US 6,487,722) discloses EPG transmitting apparatus and method, EPG receiving apparatus and method, EPG transmitting/receiving system and method, and provider.

Sie et al. (US 6,973,621) discloses customized in a content distribution system.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Son P. Huynh



August 23, 2006